Application No. 09/615,473

Exhibits To Be Shown Or Demonstrated:

None

Issues To Be Discussed And Arguments To Be Presented:

1) The Kemink reference:

A prima facie case of obviousness has not been presented since the Office Action fails to assert that Kemink discloses downloading a plurality of command sets identified as being candidates for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device. Rather, the Office Action sets forth that Kemink discloses at Page 6, lines 10-20, the downloading of "a plurality of GUI corresponding to the selected appliance." While downloading a GUI (i.e., a computer environment or program that displays, or facilitates the display of, on-screen options, usually in the form of icons or menus by means of which users may enter commands) is the subject of dependent claims 66 and 76 of the subject application for patent, independent claims 54 and 71 of the subject application for patent call for the downloading of a plurality of command sets, defined on Page 14, lines 22-25 of the subject application for patent as including "data which is transmittable to the consumer electronic device to control the device." Since it cannot be argued that a GUI is "data which is transmittable to the consumer electronic device to control the device," Kemink cannot be said to disclose those elements set forth in the Office Action and the rejection of the claims must be withdrawn.

2) The O'Donnell reference:

Nothing from within O'Donnell can be said to teach a user interacting with a remote control to determine by experimentation which one of a plurality of function code sets is appropriate for commanding an operation of an appliance. In this regard, O'Donnell fails to describe, teach, or suggest any method for setting up or configuring a remote control. As

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concerns the passages of O'Donnell cited in the Office Action, namely, Col. 3, lines 7-14 and

lines 36-50, these passages only describe that a television will receive a transmitted remote

control signal and, if the remote control was not in the television device operational mode when

the signal was transmitted (for example the VCR device mode key having been activated prior to

the signal transmission), the television will display to the user what device operational mode the

remote control was in at the time the signal was transmitted (for example by displaying "VCR
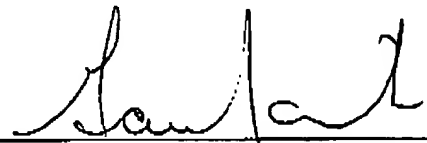
Selected").

3) The Foster reference:

The fact that Foster may describe "speaker assignment associated with vol- and vol+

keys" has no relevance to the claimed downloading of assignments of function codes to the key

layout using a speaker in the downloading process.

Respectfully Submitted;

Date: March 29, 2005   By: _____

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